

Minutes  
Regular Session of the Breckenridge City Commission  
September 3, 2019 – 5:30 PM  
Breckenridge City Offices Commission Chambers  
105 North Rose Avenue, Breckenridge, Texas 76424

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**Those Present:** Bob Sims, Mayor; Tom Cyprian, Mayor Pro-Tem; Rob Durham, Commissioner; Russell Blue, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Houston Satterwhite, Assistant City Manager of Operations; Calvin Chaney, Fire Chief; Madalyn Heimann, Breckenridge American; Tony Pilkington, Breck Texan; Brant Thurmond; Neil Fambro; Will Thompson and Virgil Moore

**Those Absent:** David Wimberley, Commissioner

1. **Call to Order:** Bob Sims, Mayor at 5:30 PM
2. **Invocation Led By:** Will Thompson
3. **Pledge of Allegiance:** Will Thompson
4. **Consider approval of minutes of the August 6<sup>th</sup> City Commission Meeting and August 20<sup>th</sup> and 27<sup>th</sup>, 2019 Public Hearings.**

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Blue for approval of minutes of the August 6<sup>th</sup> City Commission Meeting and August 20<sup>th</sup> and 27<sup>th</sup>, 2019 Public Hearings. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Blue and Sims. Nays: None. Absent: Wimberley and Durham

5. **Citizens Presentations: None**

### **PUBLIC HEARING**

Mayor Sims Opened Public Hearing at 5:32 PM

6. **Public Hearing to receive comments concerning the budget for the City of Breckenridge for the 2019-20 fiscal year.**

Mayor Sims Closed Public Hearing at 5:33 PM  
Rob Durham arrived

### **CONSENT AGENDA**

**ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED WITH ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS UNLESS A COMMISSION MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE.**

7. **Request to approve Departmental Reports**
8. **Request to approve Resolution 19-17 for the appointment of members to the Board of Directors of the Breckenridge Economic Development Corporation.**

- 9. Request to approve Breckenridge Economic Development Corporation Budget for fiscal year October 1, 2019 through September 30, 2020.**
- 10. Request to approve Resolution 19-18 confirming and accepting securities pledged for Municipal funds while acting as City Depository.**
- 11. Request to Complete official ballot for Texas Municipal League Health Benefits Pool Board of Trustees Election – to fill our Regional 6 Position.**

Commissioner Blue made a motion, seconded by Mayor Pro-Tem Cyprian to approve consent agenda 7-11. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Durham, and Sims.  
Nays: None. Absent: Wimberley

### INDIVIDUAL CONSIDERATION

- 12. Request to approve the 2<sup>nd</sup> reading of Resolution 19-15 for expenditures by the Breckenridge Economic Development Corporation (BEDC) of \$45,000.00.**

Andy McCuiston, City Manager explains this is the second reading and a representative is present if anyone had comments or concerns, no one spoke.

Commissioner Blue made a motion, seconded by Commissioner Durham to approve the 2<sup>nd</sup> reading of Resolution 19-15 for expenditures by the Breckenridge Economic Development Corporation (BEDC) of \$45,000.00. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Durham, and Sims. Nays: None. Absent: Wimberley

- 13. Request to approve Resolution 19-19 to adopt the Hazard Mitigation Action Plan (HMAP).**

Calvin Chaney, Fire Chief explained we have been in the process of preparing an Action Plan since the Flood in 2016. The State sends all COG's in Texas a task of things to complete. We submitted information to the COG, Texas Department of Management and then FEMA. Hopefully this will open some mitigation money.

Commissioner Durham made a motion, seconded by Mayor Pro-Tem Cyprian to approve Resolution 19-19 to adopt the Hazard Mitigation Action Plan (HMAP). When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

- 14. Request to approve Resolution 19-20 to authorize City Manager and the Mayor to secure a line of credit to alleviate any possible short-term cash flow.**

Andy McCuiston, City Manager explained this is something that is done annually. We recently borrowed \$200,000. To use for salary and expenses as the tax money runs out.

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Durham to approve Resolution 19-20 to authorize City Manager and the Mayor to secure a line of credit to alleviate any possible short-term cash flow. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

- 15. Request to approve Resolution 19-21 regarding Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) failure to timely file IRS Forms 1094-C and 1095-C for the 2016 and 2017 tax**

**years; and to engage Mitchell Williams to represent the City before the IRS with respect to resolving the proposed IRS Penalties that have been or may in the future be asserted against the City; and delegate an authorized City Official (City Manager) to execute a Form 2848 IRS Power of Attorney for the purpose of granting the attorney's listed therein the authority to represent the City before the IRS solely with respect any such proposed Penalties for tax years 2016 and 2017.**

Heather Robertson-Caraway, City Secretary explained this is an Administrative error by TML and they are responsible for any penalties that are accrued.

Commissioner Blue made a motion, seconded by Commissioner Durham to approve Resolution 19-21 regarding Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) failure to timely file IRS Forms 1094-C and 1095-C for the 2016 and 2017 tax years; and to engage Mitchell Williams to represent the City before the IRS with respect to resolving the proposed IRS Penalties that have been or may in the future be asserted against the City; and delegate an authorized City Official (City Manager) to execute a Form 2848 IRS Power of Attorney for the purpose of granting the attorney's listed therein the authority to represent the City before the IRS solely with respect any such proposed Penalties for tax years 2016 and 2017. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**16. Request to approve Ordinance 19-12 End of Fiscal Year Budget Adjustments Amending Ordinance 18-08.**

Andy Mccuiston, City Manager explained that some projects that have been done were not funded, money had to be re-appropriated.

Commissioner Durham made a motion, seconded by Mayor Pro-Tem Cyprian to approve Ordinance 19-12 End of Fiscal Year Budget Adjustments Amending Ordinance 18-08. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**17. Request to Ratify the Property Tax Revenue Reflected in the 2019-2020 Budget.**

Andy McCuiston, City Manager reviews budget items on tax rate will be \$1.07 with a 4.9% increase in the tax rate. Debt Service of \$0.28503 and a maintenance and operating rate of \$0.78497.

Commissioner Durham made a motion, seconded by Commissioner Blue to Ratify the Property Tax Revenue Reflected in the 2019-2020 Budget. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**18. Request to approve Ordinance 19-13 Adopting the Budget and Appropriated Resources for the Budget Year Beginning on October 1, 2019 and ending September 30, 2020.**

Andy McCuiston, City Manager stated this Ordinance spells out the expenditures for each fund. This is a summary of everything discussed at the budget workshop.

Commissioner Blue made a motion, seconded by Mayor Pro-Tem Cyprian to approve Ordinance 19-13 Adopting the Budget and Appropriated Resources for the Budget Year Beginning on October 1, 2019 and ending September 30, 2020. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**19. Request to approve Ordinance 19-14 Levying a Maintenance and Operating Tax Rate and a Debt Service Tax Rate for the City of Breckenridge, Texas, for the Tax Year 2019.**

Andy McCuiston, City Manager stated this Ordinance breaks down the Maintenance and Operations - \$0.78497, General Debt Service - \$ 0.28503 and Total Tax Levy being \$1.07

Commissioner Durham made a motion, seconded by Commissioner Blue to approve Ordinance 19-14 Levying a Maintenance and Operating Tax Rate and a Debt Service Tax Rate for the City of Breckenridge, Texas, for the Tax Year 2019. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**20. Request to approve Ordinance 19-15 City Fee Schedule Amending Ordinance 18-11.**

Andy McCuiston, City Manager reviews the Waterline replacement surcharge and the need to extend it for 6 more months. We will review it again in 6 months to see if water rates need to be increased. The Water Fund is looking to be short \$200,000. We can call the surcharge – revenue deficit surcharge. Commissioner Durham discussed the age of the water lines. He has also been approached by an upset citizen about the potholes. Commissioner Durham explained she should be upset with the ones who took care of the City from 1940-1980, the City can't fix in 5 years what has been done over 40 to 50 years. The individuals back then lacked future vision.

Commissioner Durham made a motion, seconded by Mayor Pro-Tem Cyprian to approve Ordinance 19-15 City Fee Schedule Amending Ordinance 18-11. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**21. Request to approve Ordinance 19-16 Amending Ordinance 07-14 to Add Live Oak Street as designated One-Way Street from Jeanette to 2<sup>nd</sup> Street; and to Amend Ordinance 16-25 to Add Live Oak Street as designated No Parking on the East Side from Jeanette to 2<sup>nd</sup> Street at the request of BISD and the Fire Department.**

Andy McCuiston, City Manager explained how BISD has had hazardous issues on Liveoak. It has also been difficult to get emergency vehicles down the street.

Commissioner Durham made a motion, seconded by Commissioner Blue to approve Ordinance 19-16 Amending Ordinance 07-14 to Add Live Oak Street as designated One-Way Street from Jeanette to 2<sup>nd</sup> Street; and to Amend Ordinance 16-25 to add Live Oak Street as designated No Parking on the East Side from Jeanette to 2<sup>nd</sup> Street at the request of BISD and the Fire Department. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**22. Request to approve extension of TXU Energy Agreement.**

Andy McCuiston, City Manager explained the City is currently paying \$0.03638 per KWH, since prices have dropped so much. The new rate will be \$0.0297 per KWH, the contract will extend in 2024 for another 7 years. At the end of the contract we should have saved around \$123,000.

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Blue to approve extension of TXU Energy Agreement. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Durham, Blue and Sims. Nays: None. Absent: Wimberley

**23. City Manager Reports**

- a. National Night Out

Andy McCuiston, City Manager explained this is an event that is held every year usually in October. He also discussed the \$50,000 that was allotted for potholes to be used to repair the roads around the hospital.

**24. Items from the City Commission not requiring formal action**

None

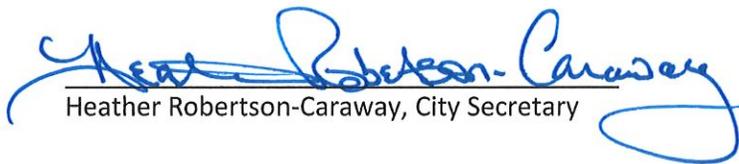
**25. Adjourn**

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Durham, to adjourn the meeting. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Blue and Sims. Nays: None. Absent: Wimberley

Meeting closed at 6:06 PM

ATTEST

  
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Bob Sims, Mayor

  
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Heather Robertson-Caraway, City Secretary



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